

# **EXHIBIT 9**

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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IN RE GOOGLE PLAY STORE Case No.  
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC, et al.,  
Case No: 3:20-cv-05671-JD

In re Google Play Consumer  
Antitrust Litigation,  
Case No: 3:20-cv-05761-JD

In re Google Play Developer  
Litigation,  
Case No: 3:20-cv-05792-JD

State of Utah, et al., v.  
Google LLC, et al.,  
Case No: 3:21-cv-05227-JD

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HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER  
VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED  
DEPOSITION OF LAWRENCE KOH

Thursday, December 9, 2021  
Remotely Testifying from San Francisco, California

Reported By:

Hanna Kim, CLR, CSR No. 13083

Job No. 4969626

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1                   LAWRENCE KOH,  
2           having been administered an oath over  
3                   videoconference, was examined  
4                   and testified as follows:

5  
6                   EXAMINATION

7   BY MS. MOSKOWITZ:

8           Q.    Good morning, Mr. Koh. As you heard, my  
9   name is Lauren Moskowitz, and I represent Epic  
10 Games, and I'll be starting the questioning this  
11 morning.

12                   Thank you for being here.

13                   Can you just please state your full name  
14 again for the record.

15           A.    My name is Lawrence Koh.

16           Q.    And what is your address?

17           A.    I currently reside -- do you want the full  
18 address?

19           Q.    You can tell me the -- the city and state.

20           A.    City, state, okay. Yeah, I currently  
21 reside in Lafayette, California.

22           Q.    And where are you located at the moment?

23           A.    I'm in downtown San Francisco, California.

24           Q.    You are at your counsel's offices?

25           A.    That is correct.

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1 mark a couple of those documents?

2 MS. GIULIANELLI: I was. Thank you.  
3 We -- we -- Daniel has only reminded us five times,  
4 including one second ago. So I would like to mark,  
5 just to authenticate them, a couple of agreements  
6 that we're putting in right now. I don't see them  
7 yet.

8 BY MS. GIULIANELLI:

9 Q. Okay. Do you see Exhibit 162 up there?

10 A. Yes, I do see it.

11 (Koh Deposition Exhibit 162 was marked.)

12 BY MS. GIULIANELLI:

13 Q. What is 162?

14 A. The -- the Games Velocity Program  
15 Addendum.

16 Q. And is that the addendum that is the Games  
17 velocity addendum between Google and Riot?

18 A. Yes, that does look to be correct.

19 Q. And it was signed by Riot in March 9th,  
20 2020, it looks like?

21 A. Yes, that is correct.

22 Q. And just for identification, I think  
23 there's one other one; right?

24 MR. BRADSHAW: Object to the form. Is  
25 that a question?

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1       their game content distribution platform into the  
2       mobile ecosystem, which would impact Google Play's  
3       positioning as a preferred destination for game  
4       developers and game consumers. And a good example  
5       was the X Cloud streaming technology that we  
6       discussed earlier. That was a good example of  
7       X- -- Microsoft and Xbox bringing their console  
8       distribution platform into the mobile ecosystem.

9       BY MR. BRADSHAW:

10       Q.     Did you see streaming services as  
11       competition to the Play Store for the distribution  
12       of apps?

13               MS. MOSKOWITZ: Objection.

14               THE WITNESS: Yes, we did.

15       BY MR. BRADSHAW:

16       Q.     Going back to Project Hug, was there  
17       anything about Project Hug that provided  
18       exclusivity to Google?

19               MS. MOSKOWITZ: Objection.

20       THE WITNESS: No, we did not exclus- -- we  
21       did not ask or request any exclusive features or  
22       content on our platform. We just only asked that  
23       we be treated equally with all the other  
24       distribution considerations that a game developer  
25       was making.

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1 BY MR. BRADSHAW:

2 Q. So a developer had every opportunity to  
3 offer its games on another platform?

4 MS. MOSKOWITZ: Objection.

5 THE WITNESS: Yes, that is correct.

6 BY MR. BRADSHAW:

7 Q. And nothing in Project Hug altered that  
8 opportunity for game developers to offer their  
9 content on other platforms?

10 MS. MOSKOWITZ: Objection.

11 THE WITNESS: No. And when they would  
12 ask, we would encourage and support them, again, as  
13 long as they -- they met the sim-ship parity, sim  
14 ship and parity, you know, asks that we had in  
15 Project Hug.

16 BY MR. BRADSHAW:

17 Q. Lawrence, did there come a time after you  
18 started at Google when you reached out to Epic  
19 Games?

20 A. Yes.

21 Q. Can you describe --

22 A. That was the summer of 2019.

23 Q. Sorry -- sorry, to interrupt.

24 Can you describe the circumstances under  
25 which you did that?